

REMARKS

Applicant has amended claims 16-19 and 21, and cancelled claim 20 without prejudice. No new matter has been introduced by the amendments. Claims 16-19 and 21 are now pending. Reconsideration of the application, as amended, is requested in view of the remarks below.

Rejection under 35 U.S.C. § 112, 2nd paragraph

The Examiner rejected claim 16 as being indefinite. Specifically, the Examiner pointed out that “[t]he wording of the claim is unclear as to whether the applicant intends to treat the diseases listed therein simultaneously using a single embodiment of the claimed method.” See the Office Action, page 2, lines 10-13.

Applicant has amended claim 16 to make it clear that this claim is not limited to treating all of the recited diseases simultaneously. Indeed, the diseases are now recited as a Markush group.

The Examiner also rejected claims 17-21 as being indefinite. Specifically, the Examiner pointed out that “claims 17-21 [] depend upon cancelled claim 1.” See the Office Action, page 3, lines 1-3.

Applicant has cancelled claim 20 and corrected the dependency of claims 17-19 and 21. Applicant submits that claim 16, as well as claims 17-19 and 21 dependent from it, is no longer indefinite.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 16 and 19-21 as being obvious over Liu et al., Chinese Pharmacist-Prepared Medicine, 1998, 20:3, 7-9 (“Liu”) in view of Yuan, Chinese Patent Document No. CN 1174052 (“Yuan”). See the Office Action, page 3, lines 14-15.

Amended claim 16, the only independent claim, will be discussed first. It is drawn to a method of treating four diseases, i.e., osteoporosis, angina of coronary heart disease, cerebral infarction, or ameliorating hemorheological index. The method includes administering a subject in need of treatment with *Cajanus cajan(L.) Millsp* leaves or an extract thereof. The Examiner has concluded that methods of treating two of the four cited diseases, angina of coronary heart

disease and cerebral infarction (i.e., claims 17 and 18), among the four recited diseases, are allowable. See the Office Action, page 5, lines 17-20. Applicant traverses below the obviousness rejection directed to the methods of treating the other two recited diseases, i.e., treating osteoporosis and ameliorating hemorheological index.

Osteoporosis

Liu mainly discloses methods of extracting active ingredients from the leaves of *Cajanus cajan(L.) Millsp* and is not relevant to treating osteoporosis and ameliorating hemorheological index. See the Office Action, page 4, lines 10-13.

The Examiner pointed out that “[t]he disclosure in Yuan gives an attribute to a medical preparation of *Cajanus cajan(L.) Millsp* as being useful for absorbing necrotic bone and, in particular, regenerating new bone” and concluded that “... such a preparation as being suitable for the treatment of osteoporosis ...” See the Office Action, page 6, lines 10-15.

Applicant submits that an extract of *Cajanus cajan(L.) Millsp* leaves is more effective in treating osteoporosis, a disease recited in amended claim 16, than treating ischemic necrosis of the femoral head as disclosed in Yuan. Specifically, 89 out of 200 patients (44.5%) with osteoporosis showed “notable effect” after being treated with an extract of *Cajanus cajan(L.) Millsp* leaves. See the Specification, page 12, lines 28-30. On the other hand, Yuan discloses that only 22.5% of the patients with ischemic necrosis of the femoral head showed significant improvement. See page 6, line 14. Thus, even if the Examiner has made a *prima facie* case of obviousness, it can be successfully rebutted by this unexpected result. Thus, treating osteoporosis with *Cajanus cajan(L.) Millsp* leaves or an extract thereof is not rendered obvious by a combination of Yuan and Liu.

Hemorheological Index

The Examiner pointed out that “one of ordinary skill in the art would find the administration of a medical preparation that prevents microcirculation, as disclosed in Yuan, as being suitable in a treatment for the amelioration of the hemorheological index.” See the Office Action, page 6, lines 15-18; emphases added. Applicant disagrees. Indeed, *Cajanus cajan(L.) Millsp* leaves or an extract thereof ameliorates hemorheological index by promoting blood

circulation and removing blood stasis, rather than preventing blood microcirculation. See the Specification, page 19, lines 8-11. Thus, Yuan teaches away from ameliorating hemorheological index with *Cajanus cajan(L.) Millsp* leaves or an extract thereof. As pointed out above, the other reference Liu does not disclose or suggest ameliorating hemorheological index.

For the reasons set forth above, amended claim 16 is not obvious over Liu in view of Yuan. Neither are claims 19 and 21, both of which are dependent from claim 16.

The Examiner has concluded that claims 17 and 18, dependent from claim 16, contain allowable subject matter. As claim 16 is now allowable, these two claims are in condition for allowance in their dependent form.

CONCLUSION

Applicant submits that the grounds for the rejection asserted by the Examiner have been overcome, and that claims 16-19 and 21, as pending, define subject matter that is definite and nonobvious over the prior art. On this basis, it is submitted that all claims are now in condition for allowance, an action of which is requested.